

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 25, 2015

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Ref: LOPP 0246

OAHU

Authorize the Chairperson to execute Supplemental Agreement No. 2 to an existing lease for real property with the United States Army for an additional 25 years within Schofield Barracks Military Reservation for Public School Purposes, Wahiawa, Oahu, Tax Map Key: (1) 7-7-001:007

APPLICANT:

Department of Education (“DOE”)

LANDOWNER:

United States of America.

LEGAL REFERENCE:

Section 171-30, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Schofield Barracks Military Reservation situated at Wahiawa, Oahu, identified by Tax Map Key: (1) 7-7-001:007, as shown on the map attached as **Exhibit 1**.

AREA:

10.035 acres, more or less.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: F-1

CHARACTER OF USE:

Public school purposes

CURRENT LEASE TERM:

July 18, 1992 to July 17, 2017.

CONSIDERATION:

Offset by maintenance, protection, improvement, repair, or restoration by DOE.

REMARKS:

Since 1967, the US Army has been leasing almost 9 acres within Schofield Barracks Military Reservation to the State for public school purposes. The area was increased to 10.035 acres in 2008, pursuant to the Supplemental Agreement No.1 (**Exhibit 2**) to the lease, and the current term expires on July 17, 2017.

Recently, DOE advised the Department that they need to extend the current Army lease beyond 2017 in order to qualify for a US Department of Defense grant for school improvements, which requires a longer tenure for the land holding.

Pursuant to negotiation between the Army and DOE, the former prepared Supplemental Agreement No. 2 (**Exhibit 3**) to extend the lease for another 25 years, up to July 17, 2042, while other terms and conditions of the original lease remain unchanged.

The fully executed version of Supplemental Agreement No. 1 includes an Exhibit E dated 2003, which is the Environmental Baseline Study indicating the parcel is clear of any past release or disposal of hazardous substances. In 2014, the Army also accepted a Record of Environmental Consideration prepared by DOE for the improvement project at the school, which described the proposed action and reported no known environmental issues. The request does not involve any additional area, but asks for longer term.

There are no pertinent issues or concern, and staff has no objection to the request.

RECOMMENDATION: That the Board authorize the Chairperson to execute the Supplemental Agreement No. 2 attached as Exhibit 3 herein covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

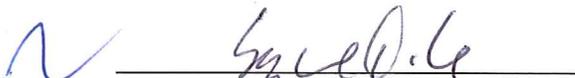
1. Review and approval by the Department of the Attorney General; and
2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

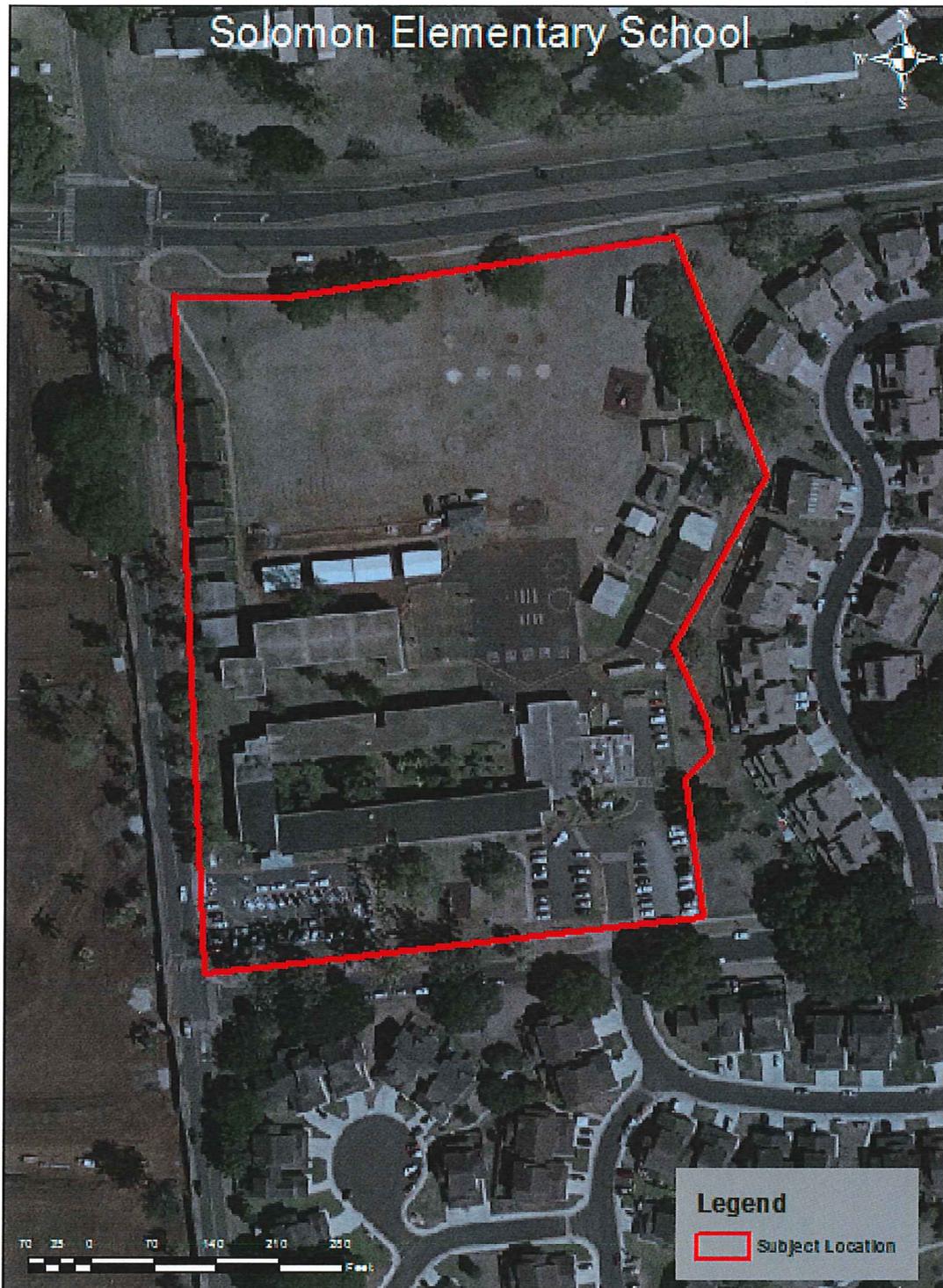
Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



TMK (1) 7 -7-001:007

EXHIBIT 1

**SUPPLEMENTAL AGREEMENT NO. 1
TO
DEPARTMENT OF THE ARMY
LEASE NO. DACA84-1-93-18
SCHOFIELD BARRACKS MILITARY INSTALLATION
WAIANAE-UKA, WAHIAWA, OAHU, HAWAII**

THIS SUPPLEMENTAL AGREEMENT, made and entered into as of this 12th day of May 2008 by and between the **Secretary of the Army**, hereinafter referred to as the Secretary, and the **State of Hawaii**, represented by the **Department of Land and Natural Resources**, hereinafter referred to as the Lessee;

WITNESSETH THAT:

WHEREAS, by Lease No. DACA84-1-93-18, the Secretary granted to the Lessee, for a term ending July 17, 2017, use and occupancy of a portion of Schofield Barracks Military Reservation for public school purposes; and

WHEREAS, under Condition 2. CONSIDERATION, the State of Hawaii pays rent in advance in the amount of \$1.00 and both the Secretary and the State of Hawaii agree to offset the consideration of \$1.00 and

WHEREAS, the Lessee desires and the Secretary is willing to include 2 parcels of land adjacent to the school, consisting of .30 acres and .746 acres, to be used as a parking lot, as hereinafter set forth.

NOW, THEREFORE, the parties do hereby mutually agree as follows:

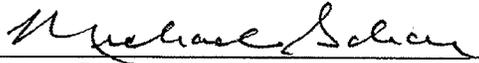
1. That the area of land adjacent to the school, which consists of .30 acres and .746 acres, as shown in **Exhibit "D"** is now made a part of and included in this lease.
2. **CONDITION 2** is amended to read, "the value of the rent is offset by the maintenance, protection, repair, improvement or restoration of the property by the lessee as a public school."
3. That the Environmental Baseline Survey (EBS), as shown in **Exhibit "E"** is now made a part of and included in this lease.
4. That except as otherwise provided herein, all of the terms, conditions, and provisions of said Lease shall be and remain the same.



EXHIBIT "2"

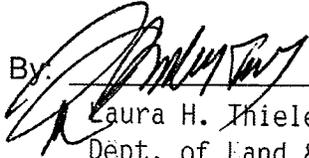
5. This Supplemental Agreement is not subject to Title 10, United States Code, Section 2662.

IN WITNESS WHEREOF, I have hereunto set my hand by authority of the Secretary of the Army as of this 19th day of May, 2008.


MICHAEL SAKAI
Chief, Real Estate Support Team
Honolulu Engineer District

This Supplemental Agreement No. 1 to Lease No. DACA84-1-93-18 is accepted this _____ day of _____, 200__.

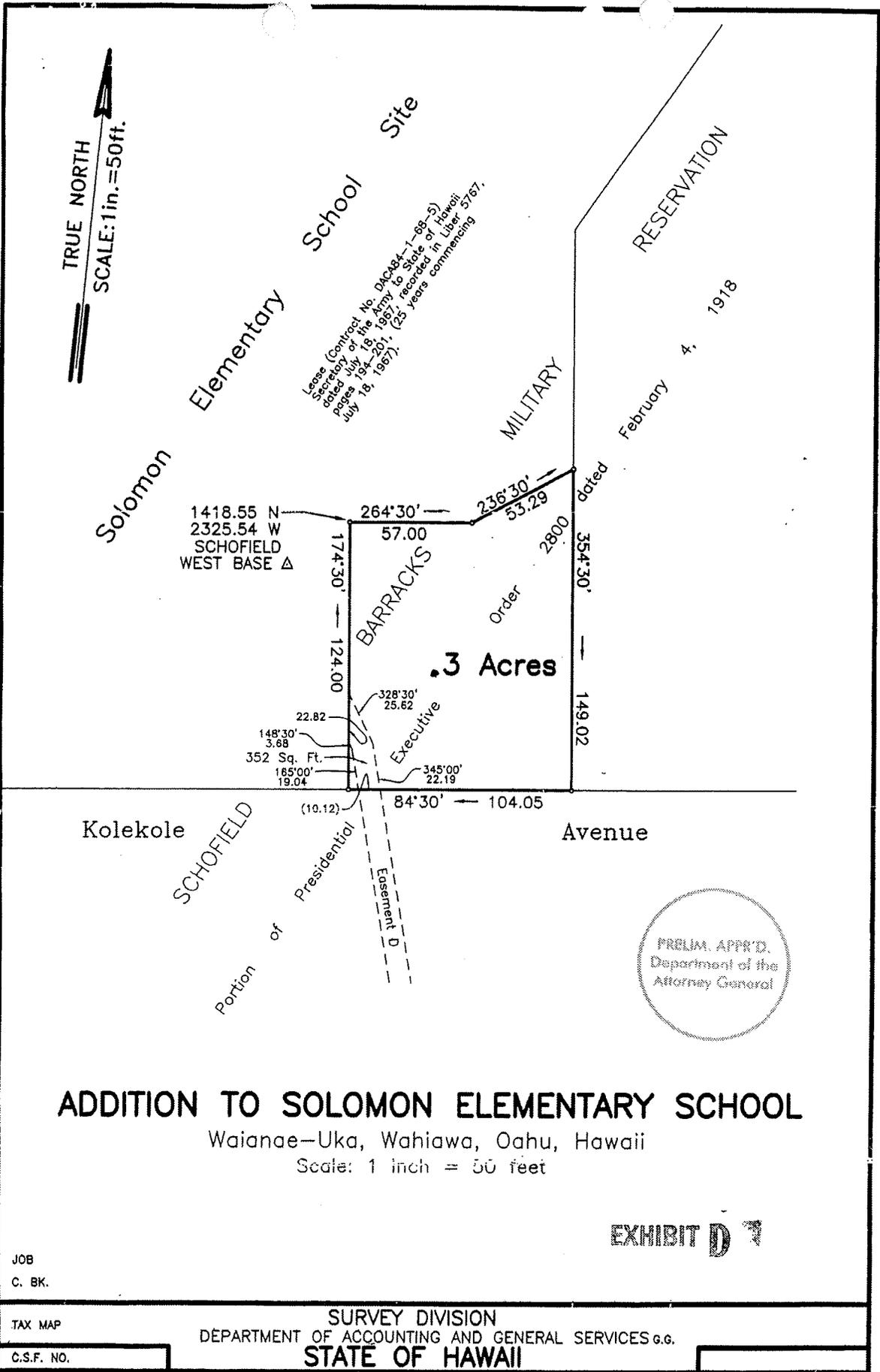
STATE OF HAWAII

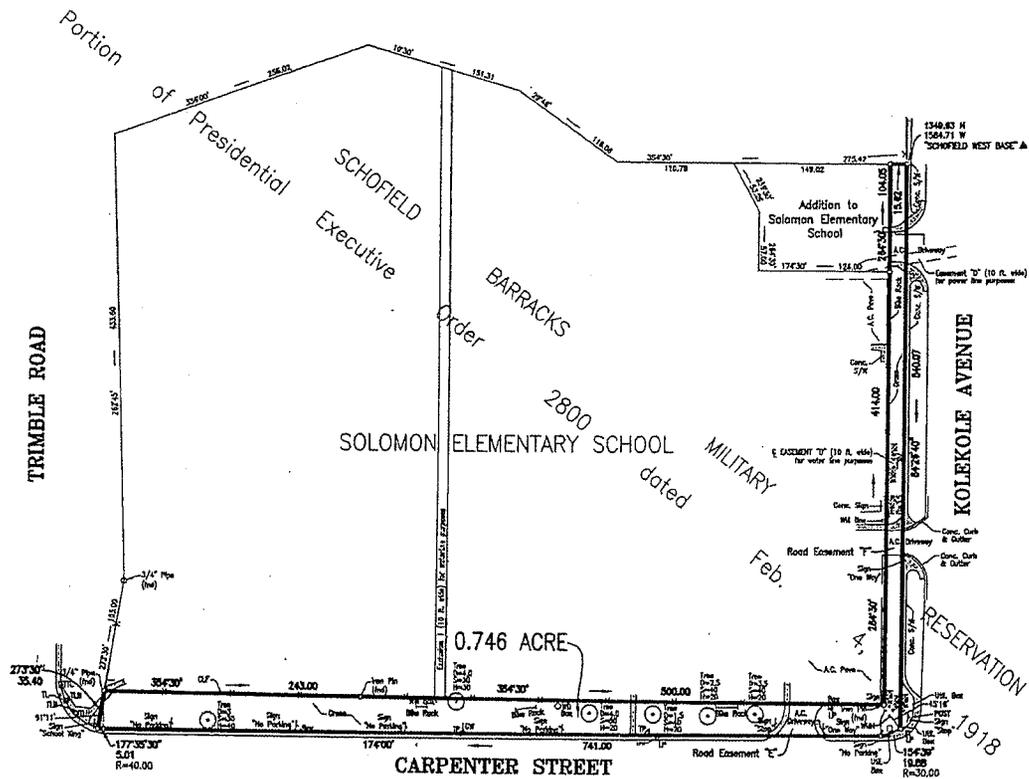
By: 
Laura H. Thielen, Chairperson
Dept. of Land & Natural Resources

APPROVED AS TO FORM

Deputy Attorney General, State of Hawaii







TRUE NORTH
SCALE: 1in. = 100ft.

PRELIM. APP'D.
Department of the
Attorney General

EXHIBIT D

Legend:

- | | | | |
|-------|----------------------|-----|----------------------|
| AC. | Asphalt Concrete | S= | Approximate Size |
| CLF | Chain Link Fence | S/W | Sidewalk |
| Conc. | Concrete | TMK | Tax Map Key |
| D= | Approximate Diameter | TL | Traffic Signal Light |
| DMH | Drain Manhole | TLD | Traffic Signal Box |
| D/W | Driveway | TP | Telephone Pole |
| CW | Cuy Wire | WD | Water Drain |
| H= | Approximate Height | WM | Water Meter |
| LP | Light Pole | WMH | Water Manhole |
| LPB | Light Pole Box | | |

Note:
Trees with a radius of less than one (1) foot are not shown on map.

ADDITION TO SOLOMON ELEMENTARY SCHOOL

Waianae-Uka, Wahiawa, Oahu, Hawaii
Scale: 1 inch = 100 feet

JOB: 0-60(05)
C. BK.
TAX MAP: 7-7-01:Par. 07

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

GYH July 5, 2005
11" X 17" = 1.3 Sq. Ft.

ENVIRONMENTAL BASELINE SURVEY (EBS)
FOR
REAL ESTATE TRANSACTION

INSTRUCTIONS: DPW Real Estate Branch will complete paragraph 2, DPW Environmental Division will complete paragraph 3, the proponent will complete paragraphs 4-6 and sign at the bottom and submit to the Environmental Division for approval.

1. PURPOSE. To provide a baseline from which to assess future environmental cleanup responsibility.

2. DESCRIPTION OF THE PROPOSED REAL ESTATE TRANSACTION:

a. From: U.S. Army Garrison, Hawaii

b. To:

c. Property Description:

3. RECORDS SEARCH. Based on a records search of Army Installation Restoration Program (IRP) reports, IRP sites are/are not (circle one) present on the property.

(USAG-HI IRP Program Manager)

(Date)

4. SITE VISIT. Based on a site visit, obvious signs of contamination are/are not (proponent must circle one) present on the property proposed for transfer. Obvious signs of contamination include unusual odors, stained soils, stressed vegetation, abandoned drums of unknown contents, etc.

5. DISCLOSURE. The proposed use of the property by the organization indicated below will not involve use, generation, storage, or disposal of hazardous substances on the property.

6. CONCLUSION. There is no reason to suspect any past releases of hazardous substances or disposal of hazardous wastes on the subject property. Any future cleanup of contamination on the property will be the sole responsibility of the proponent organization, represented by the undersigned.

PROPONENT OF THE REAL PROPERTY TRANSACTION:

Raymond J. Ingram
(Signature)

5-19-03
(Date signed)

Director
(Title)

733-4860
(Telephone Number)

Facilities and Support Services Branch, DOE
(Organization)

APPROVED BY:

(Chief, Environmental Division)

(Date)



EXHIBIT E

SUPPLEMENTAL AGREEMENT NO. 2
TO
LEASE DACA84-1-93-18
SCHOFIELD BARRACKS MILITARY RESERVATION
WAIANAE-UKA, WAHIAWA, OAHU, HAWAII

THIS SUPPLEMENTAL AGREEMENT made and entered into this _____ day of _____ 2015, by and the Secretary of the Army, hereinafter referred to as the Secretary, and the State of Hawaii, represented by the Department of Land and Natural Resources, hereinafter referred to as the Lessee.

WITNESSETH THAT:

WHEREAS, by Lease No. DACA84-1-93-18, the Secretary granted to the Lessee, for a term ending July 17, 2017, use and occupancy of a portion of Schofield Barracks Military Reservation for public school purposes; and

WHEREAS, by Supplemental Agreement No. 1, dated May 19, 2008, the Lessee desired and the Secretary agreed to increase the land area under this lease by 1.046 acres as depicted in Exhibit "D"; Condition 2 was amended to offset the value of the rent by the maintenance, protection, repair, improvement or restoration of the property provide by the State of Hawaii; and the Environmental Baseline Survey (EBS) was made a part of and included in this lease as Exhibit "E"; and

WHEREAS, the Lessee requests and the Secretary agrees to extend this lease for an additional term of twenty-five (25) years; and

NOW, THEREFORE, in consideration of the foregoing, the Lessee and the Secretary do hereby mutually agree as follows:

1. That the term of this lease is hereby extended for an additional twenty-five years beginning ,July 18, 2017 and ending July 17, 2042, but revocable at will by the Secretary.
2. Except as herein provided, all the terms, conditions and provisions of said Lease shall be and remain the same.
3. This supplemental agreement is not subject to Title 10 U.S. Code, Section 2662.

EXHIBIT " 3 "

IN WITNESS WHEREOF, I have hereunto set my hand by authority of the Secretary of the Army as of this _____ day of _____, 2015.

MICHAEL Y. SAKAI
Real Estate Contracting Officer
Honolulu Engineer District

This Supplemental Agreement No. 2 to Lease No. DACA84-1-93-18 is accepted this _____ day of _____, 2015.

STATE OF HAWAII

By: _____
_____, Chairperson
Department of Land & Natural Resources

APPROVED AS TO FORM

Deputy Attorney General, State of Hawaii